

3. Plaintiff's complaint against Defendants Best Buy Co., Inc., Bestbuy.com LLC, Neiman Marcus, Inc., The Neiman Marcus Group, Inc., BergdorfGoodman.com, LLC, and Office Max, Inc. in Case No. 6:12-cv-141 is dismissed without prejudice subject to the terms of the Agreements.

4. Defendants Best Buy Co., Inc.'s, Bestbuy.com LLC's, Neiman Marcus, Inc.'s, The Neiman Marcus Group, Inc.'s, BergdorfGoodman.com, LLC's, and Office Max, Inc.'s counterclaims against Plaintiff in Case No. 6:12-cv-141 are dismissed without prejudice subject to the terms of the Agreements.

5. Plaintiff's complaint against Defendant Walgreens.com, Inc. in Case No. 6:12-cv-153 is dismissed without prejudice subject to the terms of the Agreements.

6. Defendant Walgreens.com, Inc.'s counterclaims against Plaintiff in Case No. 6:12-cv-153 are dismissed without prejudice subject to the terms of the Agreements.

7. Solely to the extent based on Walgreens.com, Inc., Plaintiff's complaint in Case No. 6:12-cv-153 against Defendant Walgreen Co. is dismissed without prejudice subject to the terms of the Agreements.

8. Solely to the extent based on Walgreens.com, Inc., Defendant Walgreen Co.'s counterclaims against Plaintiff in Case No. 6:12-cv-153 are dismissed without prejudice subject to the terms of the Agreements.

9. Plaintiff's claims against the remaining defendants in Case No. 6:12-cv-153 – Beauty.com, Inc., Drugstore.com, Inc., and Vision Direct, Inc. – are unaffected by this stipulation and remain asserted.

10. Each party shall bear its own fees, expenses, and costs.

STIPULATED AND AGREED TO:

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